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MAY 5, 2022

**BY ECF**

The Honorable P. Kevin Castel (PKC)  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

The application to stay or extend  
the surrender date is DENIED.  
SO ORDERED.  
5/6/2022

  
P. Kevin Castel  
United States District Judge

Re: *United States v. Matthew Rivera*, 20 Cr. 292 (PKC)

Dear Judge Castel:

As the Court is aware Mr. Rivera was sentenced and is scheduled to surrender on May 10th of next week. Mr. Rivera has had some health issues due to his weight and other health issues. He has been scheduled for surgery to help reduce his weight but the actual surgery was postponed for him to lose 10 more lbs. I am requesting from the court that Mr. Rivera's surrender date be postponed for 90 days. Pretrial has no position, however, the Government objects and states the following:

"The Government opposes Mr. Rivera's request to adjourn his surrender date. Mr. Rivera's surgery has been rescheduled multiple times, delaying his sentencing by months. The reason for this most recent delay in Mr. Rivera's surgery – that he needs to lose additional weight – was within Mr. Rivera's control, and is an issue that there is no guarantee of being resolved in the near future."

I understand the Government's point, however, Mr. Rivera has been sentenced and he will be making no further applications to the Court if the surgery cannot be completed in 90 days.

Thank you for the Court's time and consideration in this matter.

Respectfully,  
*Kenneth J. Montgomery*  
s/  
Kenneth J. Montgomery

